



CITY OF MORGAN HILL
17555 PEAK AVENUE MORGAN HILL, CALIFORNIA 95037

COUNCIL MEMBERS

Dennis Kennedy, Mayor
Steve Tate, Mayor Pro Tempore
Larry Carr, Council Member
Mark Grzan, Council Member
Greg Sellers, Council Member

WEDNESDAY, MAY 4, 2005

AGENDA

CITY COUNCIL SPECIAL MEETING

6:00 P.M.

*A Special Meeting of the City Council is called for the Purpose
of Conducting Closed Sessions at 6:00 P.M. and City Business
at 7:00 P.M.*



Dennis Kennedy, Mayor

CALL TO ORDER

(Mayor Kennedy)

ROLL CALL ATTENDANCE

(City Clerk Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk Torrez)

OPPORTUNITY FOR PUBLIC COMMENT

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND
PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE
CITY CLERK WILL FORWARD CORRESPONDENCE TO THE CITY COUNCIL.**

6:00 P.M.

City Council Action

CLOSED SESSIONS:

1.

CONFERENCE WITH LABOR NEGOTIATOR:

Authority: Government Code Section 54957.6
Agency Negotiators: City Manager; Human Resources Director

Employee Organization: AFSCME Local 101
Morgan Hill Community Service Officers Association

7:00 P.M.

City Council Action

CONSENT CALENDAR:

ITEMS 1-2 The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate **Page**
Consent Calendar: 1 - 10 Minutes

1. **SET PUBLIC HEARING REGARDING APPEAL APPLICATION, AP-03-07: WEST MAIN-VIERRA** 1
Recommended Action(s): Set June 8, 2005 at 7:00 P.M. as the Date and Time to Hear the Vierra Appeal, a Request for Residential Development Control System (Measure P) Building Allocations for Fiscal Year 2005-2006. The Project is a Five Unit Single Family Residential Development, Plus One Existing Dwelling Unit, on A 4.54 Acre Parcel Located on a Westerly Extension of Via Grande and Southerly Extension of John Telfer Drive, South of West Main Avenue. (APN 773-06-009).

Time Estimate
Consent Calendar: 1 - 10 Minutes

Page

2. **APPROVE CHANGE ORDER FOR TENNANT/HIGHWAY 101 SOUTHBOUND RAMPS
SIGNAL INSTALLATION PROJECT**..... 3
- Recommended Action(s): Approve** Change Order in the Amount of \$50,000 to Replace Existing
 Asbestos Cement Pipe Waterline with Ductile Iron Pipe.

FUTURE COUNCIL-INITIATED AGENDA ITEMS:
Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT



17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

PUBLIC COMMENTS ON ITEMS *NOT* APPEARING ON AGENDA

Following the opening of Council/Agency business, the public may present comments on items *NOT* appearing on the agenda that are within the Council's/Agency's jurisdiction. Should your comments require Council/Agency action, your request will be placed on the next appropriate agenda. No Council/Agency discussion or action may be taken until your item appears on a future agenda. You may contact the City Clerk/Agency Secretary for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

PUBLIC COMMENTS ON ITEMS APPEARING ON AGENDA

The Morgan Hill City Council/Redevelopment Agency welcomes comments from all individuals on any agenda item being considered by the City Council/Redevelopment Agency. Please complete a Speaker Card and present it to the City Clerk/Agency Secretary. This will assist the Council/Agency Members in hearing your comments at the appropriate time. Speaker cards are available on the table in the foyer of the Council Chambers. In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council/Agency. However, it is very helpful to the Council/Agency if speaker cards are submitted. As your name is called by the Mayor/Chairman, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council/Agency Commission are limited to three minutes. We appreciate your cooperation.

NOTICE

AMERICANS WITH DISABILITIES ACT (ADA)

The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City. If you need special assistance to access the meeting room or to otherwise participate at this meeting, including auxiliary aids or services, please contact the Office of the City Clerk/Agency Secretary at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation. Please make your request at least 48 hours prior to the meeting to enable staff to implement reasonable arrangements to assure accessibility to the meeting.

If assistance is needed regarding any item appearing on the City Council/Agency Commission agenda, please contact the Office of the City Clerk/Agency Secretary at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

NOTICE

Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council/Agency Commission at, or prior to the Public Hearing on these matters.

NOTICE

The time within which judicial review must be sought of the action by the City Council/Agency Commission which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.



CITY COUNCIL STAFF REPORT

MEETING DATE: May 4, 2005

Agenda Item # 1

Prepared & Submitted

By:


City Manager

VIERRA MEASURE C APPEAL

RECOMMENDED ACTION(S):

Set 7:00 p.m., Wednesday, June 8, 2005 as the time and date to hear the Vierra appeal.

EXECUTIVE SUMMARY:

As part of a stipulation in a judicial review of the issues in the Vierra case, Council has agreed to conduct an appeal hearing to decide whether the Vierra application is consistent with the City's General Plan and Zoning.

To advise the Council on the legal matters relating to the hearing, the law firm of Aaronson, Dickerson, Cohn & Lanzone has been retained. They will work with Council and the parties to establish an appropriate "briefing schedule" for the submittal of written materials prior to the hearing.

The City Clerk will inform interested parties of the hearing date.

FISCAL IMPACT:

It is anticipated that the cost of special counsel will not exceed \$6,000.



CITY COUNCIL STAFF REPORT

MEETING DATE: MAY 4, 2005

APPROVE CHANGE ORDER FOR TENNANT/HIGHWAY 101 SOUTHBOUND RAMPS SIGNAL INSTALLATION PROJECT

RECOMMENDED ACTION(S): Approve Change Order in the amount of \$50,000 to replace existing asbestos cement pipe waterline with ductile iron pipe.

Agenda Item # **2**

Prepared By:

Daniel Gitterman
Associate Engineer

Approved By:

Man Stine
Public Works Director

Submitted By:

fer
City Manager

EXECUTIVE SUMMARY: On February 16, 2005, City Council awarded a contract to Granite Rock Company – Pavex Construction Division for the construction of the Traffic Signal Installation at Tennant/Highway 101 Southbound Ramps in the amount of \$428,309, plus 10% contingency of \$42,831. The scope of the work for this project includes installing traffic signal, street lighting, street widening, and pedestrian pathway improvements.

During roadway excavation and widening work, the Contractor discovered that the existing waterline is only 18" deep and that the pipe is made from asbestos cement. Once the roadway is widened, traffic will be driving over this waterline; due to the shallow depth and the brittleness of the pipe, this waterline will not withstand vehicle loading. Staff recommends replacing the asbestos cement pipe with ductile iron pipe, including flex couplings, valves and fittings. The pipe will be installed in compliance with City standards.

Graniterock has agreed to perform the additional work for the amount stated above; therefore, Staff recommends that Council approve the change order. The materials will be ordered immediately after Council approval and work shall begin shortly. An additional three working days are requested from Graniterock to perform this work.

FISCAL IMPACT: The total construction cost for this project (#502K03), after approval of the change order, is now \$521,140. Funding for this extra work is available in the Water Main Replacement Project (610093).